

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To [NOTE: To be added.]

IN THE HOUSE OF REPRESENTATIVES

Ms. WATERS introduced the following bill; which was referred to the
Committee on _____

A BILL

To [NOTE: To be added.]

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Housing Rein-
5 vestment and Tenant Protection Act of 2021”.

1 **TITLE I—PUBLIC HOUSING ONE-**
2 **FOR-ONE REPLACEMENT AND**
3 **TENANT PROTECTION**

4 **SEC. 101. DEMOLITION AND DISPOSITION OF PUBLIC HOUS-**
5 **ING.**

6 (a) AMENDMENTS TO SECTION 18.—Section 18 of
7 the United States Housing Act of 1937 (42 U.S.C. 1437p)
8 is amended—

9 (1) by redesignating subsections (a) through (h)
10 as subsections (b) through (i), respectively;

11 (2) by inserting before subsection (b) (as so re-
12 designated by paragraph (1) of this subsection) the
13 following new subsection:

14 “(a) APPLICABILITY.—Notwithstanding any other
15 provision of law, this section shall apply to—

16 “(1) demolition, disposition, or demolition or
17 disposition or both pursuant to conversion under
18 section 22 or 33 of any public housing unit; and

19 “(2) the taking of public housing units, directly
20 or indirectly, through the use of eminent domain.”;

21 (3) in subsection (b) (as so redesignated by
22 paragraph (1) of this subsection)—

23 (A) in the matter preceding paragraph

24 (1)—

1 (i) by striking “subsection (b)” and
2 inserting “subsection (c)”; and

3 (ii) by striking “if the public housing
4 agency certifies” and inserting “only if the
5 Secretary determines that”;

6 (B) in paragraph (2)(A)(ii), by striking
7 “low-income housing” and inserting “housing
8 for low-income, very-low income, and extremely
9 low-income families consistent with the needs
10 identified pursuant to section 5A(d)(1) in the
11 public housing agency plan for the agency and
12 with targeting requirements under section 16(a)
13 for public housing”;

14 (C) by striking paragraph (4);

15 (D) in paragraph (5)(B)(ii), by striking
16 “and” at the end;

17 (E) in paragraph (6), by striking “sub-
18 section (c)” and inserting “subsection (d)”;

19 (F) by redesignating paragraphs (5) and
20 (6) as paragraphs (4) and (5), respectively; and

21 (G) by inserting after paragraph (5) (as so
22 redesignated) the following new paragraph:

23 “(6) that the public housing agency has ob-
24 tained from each resident information pursuant to

1 subsection (f)(3)(B) and has established a replace-
2 ment housing preference for each such resident.”;

3 (4) in subsection (c) (as so redesignated by
4 paragraph (1) of this subsection)—

5 (A) in the matter preceding paragraph (1),
6 by striking “subsection (a)” and inserting “sub-
7 section (b)”;

8 (B) in paragraph (1), by striking “or” at
9 the end;

10 (C) in paragraph (2)(C), by striking the
11 period at the end and inserting a semicolon;
12 and

13 (D) by adding at the end the following new
14 paragraphs:

15 “(3) the application does not provide for the ac-
16 tive involvement and participation of, and consulta-
17 tion with, residents, resident advisory boards, and
18 resident councils of the public housing development
19 that is subject to the application during the planning
20 and implementation of the plan for demolition, relo-
21 cation, and replacement of the units;

22 “(4) the proposed relocation, demolition, dis-
23 position, demolition or disposition or both pursuant
24 to conversion under section 22 or 33, or the provi-
25 sion of replacement housing will not be carried out

1 in a manner that affirmatively furthers fair housing,
2 as described in section 808(e) of the Civil Rights Act
3 of 1968 (42 U.S.C. 3608(e)), or that the measures
4 proposed by the public housing agency to mitigate
5 potential adverse impacts of the proposed relocation,
6 demolition, disposition, demolition or disposition or
7 both pursuant to conversion under section 22 or 33,
8 or the provision of replacement housing on persons
9 protected by section 804 of the Civil Rights Act of
10 1968 (42 U.S.C. 3604), are clearly insufficient or
11 inappropriate; or

12 “(5) the proposed plan for relocation, demoli-
13 tion, disposition, demolition or disposition or both
14 subsequent to conversion pursuant to section 22 or
15 33, or the provision of replacement housing does
16 not—

17 “(A) comply with the requirements of sub-
18 section (e) of this section;

19 “(B) include such certifications as the Sec-
20 retary shall require of compliance with the re-
21 quirements of subsection (f)(3); or

22 “(C) include a relocation plan that meets
23 the requirements of subsection (h)(2).”;

1 (5) by striking subsection (e) (as so redesignated by paragraph (1) of this subsection) and inserting the following new subsection:

2 “(e) REPLACEMENT UNITS.—

3 “(1) REQUIREMENT TO REPLACE OR MAINTAIN EACH UNIT.—

4 “(A) REPLACEMENT.—Except for demolition pursuant to subsection (g) or as provided in paragraph (2) of this subsection, each public housing dwelling unit that undergoes demolition, disposition, or demolition or disposition or both pursuant to conversion under section 22 or 33, or that is the subject of a taking, directly or indirectly, through the use of eminent domain, after the date of the enactment of the , shall be replaced with a newly constructed, rehabilitated, acquired, or converted rental unit that complies with all of the requirements of this subsection.

5 “(B) REQUIREMENTS APPLICABLE TO REPLACEMENT UNITS.—Such replacement or converted units shall be subject to the same requirements regarding eligibility for occupancy (including income eligibility), tenant contribution toward rent (including tenant authority to

1 select rental payment determination method),
2 eviction protections and procedures, and afford-
3 ability restrictions that are applicable to public
4 housing dwelling units. Such requirements shall
5 not terminate unless units are replaced with a
6 comparable number of units that are subject to
7 the same requirements.

8 “(C) TENANT PROTECTION VOUCHERS TO
9 REPLACE DEMOLISHED, DISPOSED OF, OR CON-
10 VERTED UNITS ON ONE-FOR-ONE BASIS.—Sub-
11 ject only to the availability of amounts provided
12 in appropriation Acts, the Secretary shall pro-
13 vide replacement vouchers for rental assistance
14 under section 8 for all dwelling units in projects
15 that are demolished or disposed of pursuant to
16 this section or converted pursuant to section 22
17 or 33.

18 “(D) INAPPLICABILITY OF CERTAIN
19 PROJECT-BASED VOUCHER REQUIREMENTS.—
20 Subparagraphs (B) and (D) of section 8(o)(13)
21 of the United States Housing Act of 1936 (re-
22 lating to percentage limitation and income mix-
23 ing requirement of project-based assistance)
24 shall not apply with respect to vouchers used to

1 comply with the requirements of this para-
2 graph.

3 “(2) WAIVER.—The requirement under para-
4 graph (1) may be waived by the Secretary with re-
5 spect to up to 10 percent of the total number of
6 public housing units owned by a public housing
7 agency in any 10-year period, if—

8 “(A) a judgment, consent decree, or other
9 order of a court limits the ability of the appli-
10 cant to comply with such requirements; or

11 “(B) the public housing agency dem-
12 onstrates that there is an excess supply of af-
13 fordable rental housing in areas of low poverty
14 and provides data showing that, in the area
15 surrounding the project or projects in which
16 such units are located—

17 “(i) at least 90 percent of vouchers
18 issued under section 8(o) of the United
19 States Housing Act of 1937 over the last
20 24 months to comparable families were
21 successfully used to lease a dwelling unit
22 within 120 days of issuance or, if a suffi-
23 cient number of comparable families have
24 not received vouchers, an alternative meas-
25 ure, as the Secretary shall design, is met;

1 “(ii) existing voucher holders are
2 widely dispersed geographically in areas of
3 low poverty with access to public transpor-
4 tation, education, and other amenities, as
5 determined by the Secretary, among the
6 available private rental housing stock; and

7 “(iii) the applicant provides a market
8 analysis demonstrating that—

9 “(I) there is a relatively high va-
10 cancy rate among units that would
11 meet or exceed housing quality stand-
12 ards, as determined by the Secretary,
13 within the market area with rent and
14 utility costs not exceeding the applica-
15 ble payment standard under section
16 8(o) of the United States Housing Act
17 of 1937 (42 U.S.C. 1437f(o)); and

18 “(II) such high vacancy rate
19 within the market area is expected to
20 continue for the next 5 years or
21 longer.

22 “(3) CONTINUATION OF USE RESTRICTIONS.—
23 In the event of a foreclosure or bankruptcy of an
24 owner of such a property, notwithstanding any other
25 provision of State or Federal law, such property

1 shall remain subject to the requirements of any
2 project-based rental assistance contract in existence
3 at the time of the foreclosure or bankruptcy, the
4 lease between the prior owner and tenants assisted
5 under such contract, and any use agreement in ef-
6 fect immediately before the foreclosure or bank-
7 ruptcy filing, and a successor in interest in such
8 property shall assume such contract, extensions,
9 leases, and use agreement obligations, provided that
10 the Secretary may modify this requirement if the
11 Secretary determines that the converted units are
12 not physically viable.

13 “(4) OTHER REQUIREMENTS.—Admission to,
14 administration of, and eviction from replacement
15 housing units that are not public housing dwelling
16 units shall be subject to the following provisions to
17 the same extent as public housing dwelling units:

18 “(A) Section 578 of the Quality Housing
19 and Work Responsibility Act of 1998 (42
20 U.S.C. 13663; relating to ineligibility of dan-
21 gerous sex offenders).

22 “(B) Section 16(f) of the United States
23 Housing Act of 1937 (42 U.S.C. 1437n(f); re-
24 lating to ineligibility of certain drug offenders).

1 “(C) Sections 20 and 21 of the United
2 States Housing Act of 1937 (42 U.S.C. 1437r,
3 1437s; relating to resident management).

4 “(D) Section 25 of the United States
5 Housing Act of 1937 (42 U.S.C. 1437w; relat-
6 ing to transfer of management at request of
7 residents).

8 “(E) Section 6(k) of the United States
9 Housing Act of 1937 (42 U.S.C. 1437d(k); re-
10 lating to administrative grievance procedure).

11 “(F) Section 6(f) of the United States
12 Housing Act of 1937 (42 U.S.C. 1437d(f); re-
13 lating to housing quality requirements).

14 “(G) Part 964 of title 24, Code of Federal
15 regulations (relating to tenant participation and
16 opportunities).

17 “(5) RETENTION OF RIGHTS.—Tenants occu-
18 pying a replacement housing unit shall have all
19 rights provided to tenants of public housing under
20 this Act.

21 “(6) SIZE.—

22 “(A) IN GENERAL.—Replacement units
23 shall be of comparable size, unless a market
24 analysis shows a need for other sized units, in
25 which case such need shall be addressed.

1 “(B) BEDROOMS.—The number of bed-
2 rooms within each replacement unit shall be
3 sufficient to serve families displaced as a result
4 of the demolition or disposition.

5 “(7) LOCATION ON SITE AND IN NEIGHBOR-
6 HOOD.—

7 “(A) ON-SITE REQUIREMENT RELATING TO
8 DEMOLITION.—Subject to subparagraph (B), at
9 least one-third of all replacement units for pub-
10 lic housing units demolished shall be public
11 housing units constructed on the original public
12 housing location, unless the Secretary deter-
13 mines that—

14 “(i) construction on such location
15 would result in the violation of a consent
16 decree; or

17 “(ii) the land on which the public
18 housing is located is environmentally un-
19 safe or geologically unstable.

20 “(B) TENANT CHOICE.—A public housing
21 agency shall ensure that, in providing replace-
22 ment units pursuant to paragraph (1), suffi-
23 cient units are provided on the original location
24 of any public housing demolished or in the same
25 neighborhood of the public housing dwelling

1 units being replaced to accommodate all tenants
2 residing in the units demolished or disposed of
3 at the time of such demolition or disposition
4 who elect to remain in such location or neigh-
5 borhood.”;

6 (6) in subsection (f) (as so redesignated by
7 paragraph (1) of this subsection)—

8 (A) by striking the subsection designation
9 and all that follow through “Nothing” and in-
10 sserting the following:

11 “(f) TREATMENT OF OCCUPANCY.—

12 “(1) CONSOLIDATION OF OCCUPANCY WITHIN
13 OR AMONG BUILDINGS.—Nothing”;

14 (B) by inserting before the period at the
15 end the following: “, except that, a public hous-
16 ing agency submitting an application for demo-
17 lition or disposition pursuant to this section
18 may not consolidate any units during the period
19 that begins upon submission of such application
20 and ends upon approval of the application by
21 the Secretary, except in cases of an imminent
22 and substantial threat to health or safety”; and

23 (C) by adding at the end the following new
24 paragraphs:

1 “(2) DETERMINATION OF OCCUPANCY.—For
2 purposes of this subsection, the number of public
3 housing residents residing in a development shall be
4 determined as of the date the initial public housing
5 agency plan or a proposed amendment thereto indi-
6 cating an intent to apply for a demolition application
7 pursuant to subsection (b) of this section is or
8 should have been presented to the resident advisory
9 board for consideration, or in the case of a demoli-
10 tion application due to a natural disaster, on the
11 date of the natural disaster.

12 “(3) RESIDENT PREFERENCES.—A public hous-
13 ing agency shall, not later than 90 days before sub-
14 mitting an application to the Secretary for demoli-
15 tion, disposition, or demolition or disposition or both
16 pursuant to conversion under section 22 or 33—

17 “(A) meet with and inform in writing all
18 residents who occupied a public housing unit on
19 the date determined in accordance with para-
20 graph (2) of this subsection of—

21 “(i) the public housing agency’s intent
22 to submit an application for demolition,
23 disposition, or both;

24 “(ii) their right to return and reloca-
25 tion housing options; and

1 “(iii) all planned replacement housing
2 units; and

3 “(B) solicit from each resident information
4 regarding the resident’s desire to return to the
5 replacement housing units constructed upon the
6 original public housing location or in the same
7 neighborhood, interest in moving to other neigh-
8 borhoods or communities, or interest in retain-
9 ing a voucher for rental assistance.”; and

10 (7) by striking subsection (h) (as so redesign-
11 nated by paragraph (1) of this subsection) and in-
12 serting the following new subsection:

13 “(h) RELOCATION, NOTICE, APPLICATION FOR
14 VOUCHERS, AND DATA.—In the case of all relocation ac-
15 tivities resulting from, or that will result from, demolition,
16 disposition, or demolition or disposition or both pursuant
17 to conversion under section 22 or 33 of this Act, of public
18 housing dwelling units:

19 “(1) UNIFORM RELOCATION AND REAL PROP-
20 ERTY ACQUISITION ACT.—The Uniform Relocation
21 and Real Property Acquisition Policies Act of 1970
22 (42 U.S.C. 4601 et seq.) shall apply. To the extent
23 the provisions of this subsection and such Act con-
24 flict, the provisions that provide greater protection

1 to residents displaced by the demolition, disposition,
2 or demolition and disposition, shall apply.

3 “(2) RELOCATION PLAN.—The public housing
4 agency shall submit to the Secretary, together with
5 the application for demolition or disposition, a relo-
6 cation plan providing for the relocation of residents
7 occupying the public housing for which the demoli-
8 tion or disposition application is proposed, which
9 shall include—

10 “(A) a statement of the estimated number
11 of vouchers for rental assistance under section
12 8 that will be needed for such relocation;

13 “(B) identification of the location of the
14 replacement dwelling units that will be made
15 available for permanent occupancy; and

16 “(C) a statement of whether any tem-
17 porary, off-site relocation of any residents is
18 necessary and a description of the plans for
19 such relocation.

20 “(3) NOTICE UPON APPROVAL OF APPLICA-
21 TION.—Within a reasonable time after notice to the
22 public housing agency of the approval of an applica-
23 tion for demolition or disposition, the public housing
24 agency shall provide notice in writing, in plain and

1 non-technical language, to the residents of the public
2 housing subject to the approved application that—

3 “(A) states that the application has been
4 approved;

5 “(B) describes the process involved to relo-
6 cate the residents, including a statement that
7 the residents may not be relocated until the
8 conditions set forth in paragraph (10) have
9 been met;

10 “(C) provides information regarding relo-
11 cation options;

12 “(D) advises residents of the availability of
13 relocation counseling as required in paragraph
14 (8); and

15 “(E) provides information on the location
16 of tenant-based vouchers issued by the agency.

17 “(4) NOTICE BEFORE RELOCATION.—Except in
18 cases of a substantial and imminent threat to health
19 or safety, not later than 90 days before the date on
20 which residents will be relocated, the public housing
21 agency shall provide notice in writing, in plain and
22 non-technical language, to each family residing in a
23 public housing project that is subject to an approved
24 demolition or disposition application, and in accord-

1 ance with such guidelines as the Secretary may issue
2 governing such notifications, that—

3 “(A) the public housing project will be de-
4 molished or disposed of;

5 “(B) the demolition of the building in
6 which the family resides will not commence
7 until each resident of the building is relocated;
8 and

9 “(C) if temporary, off-site relocation is
10 necessary, each family displaced by such action
11 shall be offered comparable housing—

12 “(i) that meets housing quality stand-
13 ards;

14 “(ii) that is located in an area that is
15 generally not less desirable than the loca-
16 tion of the displaced family’s housing,
17 which shall include at least one unit lo-
18 cated in an area of low poverty and one
19 unit located within the neighborhood of the
20 original public housing site;

21 “(iii) that is identified and available
22 to the family; and

23 “(iv) which shall include—

24 “(I) tenant-based assistance, ex-
25 cept that the requirement under this

1 subparagraph regarding offering of
2 comparable housing shall be fulfilled
3 by use of tenant-based assistance only
4 upon the relocation of the family into
5 such housing;

6 “(II) project-based assistance;

7 “(III) occupancy in a unit oper-
8 ated or assisted by the public housing
9 agency at a rental rate paid by the
10 family that is comparable to the rent-
11 al rate applicable to the unit from
12 which the family is relocated; and

13 “(IV) other comparable housing.

14 “(5) SEARCH PERIOD.—Notwithstanding any
15 other provision of law, in the case of a household
16 that is provided tenant-based assistance for reloca-
17 tion of the household under this section, the period
18 during which the household may lease a dwelling
19 unit using such assistance shall not be shorter in du-
20 ration than the 150-day period that begins at the
21 time a comparable replacement unit is made avail-
22 able to the family. If the household is unable to lease
23 a dwelling unit using such assistance during such
24 period, the public housing agency shall extend the
25 period during which the household may lease a

1 dwelling unit using such assistance, or at the ten-
2 ant's request, shall provide the tenant with the next
3 available comparable public housing unit or com-
4 parable housing unit for which project-based assist-
5 ance is provided.

6 “(6) PAYMENT OF RELOCATION EXPENSES.—
7 The public housing agency shall provide for the pay-
8 ment of the actual and reasonable relocation ex-
9 penses, including security deposits, of each resident
10 to be displaced and any other relocation expenses as
11 are required by the Uniform Relocation Assistance
12 and Real Property Acquisition Policies Act of 1970.

13 “(7) COMPARABLE HOUSING.—The public hous-
14 ing agency shall ensure that each displaced resident
15 is offered comparable housing in accordance with the
16 notice under paragraph (4).

17 “(8) COMPREHENSIVE RELOCATION COUN-
18 SELING.—The public housing agency shall provide
19 all advisory programs and services as required by
20 the Uniform Relocation Assistance and Real Prop-
21 erty Acquisition Policies Act of 1970 and counseling
22 for residents who are displaced that shall fully in-
23 form residents to be displaced of all relocation op-
24 tions, which may include relocating to housing in a
25 neighborhood with a lower concentration of poverty

1 than their current residence, a neighborhood where
2 relocation will not increase racial segregation, or re-
3 maining in the current neighborhood. Such coun-
4 seling shall also include providing school options for
5 children and comprehensive housing search assist-
6 ance for household that receive a voucher for tenant-
7 based assistance.

8 “(9) TIMING OF DEMOLITION OR DISPOSI-
9 TION.—The public housing agency shall not com-
10 mence demolition or complete disposition of a build-
11 ing subject to the approved application until all resi-
12 dents residing in the building are relocated.

13 “(10) AFFIRMATIVE FURTHERANCE OF FAIR
14 HOUSING.—The public housing agency shall have ob-
15 tained data regarding, and analyzed the potential
16 impact of, the proposed demolition or disposition
17 and relocation on persons protected by section 804
18 of the Civil Rights Act of 1968 (42 U.S.C. 3604),
19 including the tenants residing in the public housing
20 project, occupants of the surrounding neighborhood,
21 and neighborhoods into which project tenants are
22 likely to be relocated, and persons on the agency’s
23 waiting list, has described in the application for
24 demolition or disposition actions that the public
25 housing agency has taken or will take to mitigate

1 those adverse impacts, and has certified in the pub-
2 lic housing agency plan for the agency, with sup-
3 porting information, that the proposed demolition or
4 disposition, relocation, or replacement housing will
5 be carried out in a manner that affirmatively fur-
6 thers fair housing, as described in section 808(e) of
7 the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

8 “(11) TIMING OF RELOCATION.—The public
9 housing agency shall not commence relocation prior
10 to approval by the Secretary of the application for
11 demolition or disposition, except in the case of a
12 substantial and imminent threat to health or safety.

13 “(12) APPLICATION FOR VOUCHERS.—The pub-
14 lic housing agency shall submit to the Secretary an
15 application for vouchers consistent with the obliga-
16 tions in subsection (e) (relating to replacement
17 units) and the relocation obligations of this sub-
18 section at the same time that the agency submits the
19 application for demolition or disposition.”;

20 (8) in subsection (i) (as so redesignated by
21 paragraph (1) of this subsection), by striking “may”
22 and inserting “shall”; and

23 (9) by adding at the end the following new sub-
24 sections:

25 “(j) RIGHT OF RETURN.—

1 “(1) RIGHT.—Any person who, on the date de-
2 termined in accordance with subsection (f)(2), occu-
3 pies a public housing unit that is the subject of an
4 application for demolition, disposition, or demolition
5 or disposition or both subsequent to conversion pur-
6 suant to section 22 or 33, and whose tenancy or
7 right of occupancy has not been validly terminated
8 pursuant to section 6 or 8(o), shall be eligible to oc-
9 cupy a replacement federally assisted housing unit
10 or voucher.

11 “(2) REQUIREMENT TO ALLOW RETURN.—A
12 public housing agency or any other manager of re-
13 placement housing units shall not, through the appli-
14 cation of any additional eligibility, screening, occu-
15 pancy, or other policy or practice, prevent any per-
16 son otherwise eligible under paragraph (1) from oc-
17 cupying a replacement housing unit. Such replace-
18 ment dwelling unit shall be made available to each
19 household displaced as a result of a demolition, dis-
20 position, or demolition or disposition or both pursu-
21 ant to conversion under section 22 or 33 before any
22 replacement dwelling unit is made available to any
23 other eligible household.

24 “(k) ENFORCEMENT.—Any affected person shall
25 have the right to enforce this section pursuant to section

1 1979 of the Revised Statutes of the United States (42
2 U.S.C. 1983). Nothing in this section may be construed
3 to limit the rights and remedies available under State or
4 local law to any affected person.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect upon the date of the enact-
7 ment of this Act and shall apply to any demolition, disposi-
8 tion, or demolition and disposition, or both pursuant to
9 conversion under section 22 or 33 of the United States
10 Housing Act of 1937 (42 U.S.C. 1437t, 1437z–5) that
11 is approved by the Secretary after such date of the enact-
12 ment.

13 **SEC. 102. AUTHORITY TO CONVERT PUBLIC HOUSING TO**
14 **VOUCHERS.**

15 Section 22 of the United States Housing Act of 1937
16 (42 U.S.C. 1437t) is amended—

17 (1) in subsection (b), by striking paragraph (3);

18 (2) by adding at the end the following new sub-
19 section:

20 “(g) **ADMINISTRATION.**—

21 “(1) **IN GENERAL.**—The Secretary may require
22 a public housing agency to provide to the Secretary
23 or to public housing residents such information as
24 the Secretary considers to be necessary for the ad-
25 ministration of this section.

1 “(2) APPLICABILITY OF SECTION 18.—Section
2 18 shall apply to the subsequent demolition or dis-
3 position of public housing dwelling units removed
4 from the inventory of the public housing agency pur-
5 suant to this section.”; and

6 (3) in subsection (d)(5), by striking “section
7 18(a)(5)” and inserting “section 18(b)(5)”.

8 **SEC. 103. REQUIRED CONVERSION OF DISTRESSED PUBLIC**
9 **HOUSING TO TENANT-BASED ASSISTANCE.**

10 Section 33(h)(2) of the United States Housing Act
11 of 1937 (42 U.S.C. 1437z-5(h)(2)) is amended by striking
12 “shall not apply to the demolition of public housing
13 projects” and inserting “shall apply to the subsequent
14 demolition or disposition of public housing dwelling units”.

15 **SEC. 104. LIMITATION OF PUBLIC HOUSING DWELLING**
16 **UNITS.**

17 Notwithstanding any other provision of law, section
18 85.31 of the regulations of the Secretary of Housing and
19 Urban Development (24 C.F.R. 85.31) and any regula-
20 tions implementing subpart B of part 970 of the Sec-
21 retary’s proposed regulations published in the Federal
22 Register on October 16, 2014 (79 Fed. Reg. 62250; Dock-
23 et No. FR-5399-P-01) or any substantially similar regu-
24 lations shall not apply to real property that includes any
25 dwelling units in public housing.

1 **SEC. 105. REGULATIONS.**

2 Not later than the expiration of the 120-day period
3 beginning on the date of the enactment of this Act, the
4 Secretary of Housing and Urban Development shall issue
5 regulations to carry out this title and the amendments
6 made by this title.

7 **TITLE II—PUBLIC HOUSING**
8 **PRESERVATION AND REHA-**
9 **BILITATION**

10 **SEC. 201. LEVERAGING OF OTHER ASSISTANCE.**

11 (a) CAPITAL FUND LOAN GUARANTEES.—Subsection
12 (d) of section 9 of the United States Housing Act of 1937
13 (42 U.S.C. 1437g(d)) is amended by adding at the end
14 the following new paragraph:

15 “(4) LOAN GUARANTEES.—

16 “(A) AUTHORITY.—The Secretary may,
17 upon such terms and conditions as the Sec-
18 retary may prescribe, guarantee and make com-
19 mitments to guarantee notes or other obliga-
20 tions issued by public housing agencies for the
21 purposes of financing—

22 “(i) the rehabilitation of public hous-
23 ing owned by the agency;

24 “(ii) the modernization, through en-
25 ergy efficiency improvements, of public
26 housing units owned by the agency; or

1 “(iii) the construction, rehabilitation,
2 purchase, or conversion of units to replace
3 public housing units that are demolished or
4 disposed of pursuant to section 18 or con-
5 verted pursuant to section 22 or 33.

6 “(B) TERMS.—Notes or other obligations
7 guaranteed pursuant to this paragraph shall be
8 in such form and denominations, have such ma-
9 turities, and be subject to such conditions as
10 may be prescribed by regulations issued by the
11 Secretary. The term of such loan guarantee
12 shall not exceed 20 years.

13 “(C) LIMITATION ON PERCENTAGE.—A
14 guarantee made pursuant to this paragraph
15 shall guarantee repayment of 95 percent of the
16 unpaid principal and interest due on the notes
17 or other obligations guaranteed.

18 “(D) USE OF CAPITAL AND OPERATING
19 FUNDS.—Funds allocated to an issuer pursuant
20 to this subsection or subsection (e) may be used
21 for payment of principal and interest due (in-
22 cluding such servicing, underwriting, or other
23 costs as may be specified in regulations of the
24 Secretary) on notes or other obligations guaran-
25 teed pursuant to this paragraph.

1 “(E) REPAYMENT.—

2 “(i) CONTRACT; PLEDGE.—To ensure
3 the repayment of notes or other obligations
4 guaranteed under this paragraph and
5 charges incurred under this paragraph and
6 as a condition for receiving such guaran-
7 tees, the Secretary shall require the issuer
8 of any such note or obligation to—

9 “(I) enter into a contract, in a
10 form acceptable to the Secretary, for
11 repayment of notes or other obliga-
12 tions so guaranteed; and

13 “(II) pledge any grant or alloca-
14 tion for which the issuer is or may be-
15 come eligible under this subsection or
16 subsection (e) for the repayment of
17 notes or other obligations so guaran-
18 teed.

19 “(ii) CREDITING OF GRANTS.—The
20 Secretary may, notwithstanding any other
21 provision of this Act, apply grants pledged
22 pursuant to clause (i)(II) of this subpara-
23 graph to any repayments due the United
24 States as a result of such guarantees.

1 “(F) FULL FAITH AND CREDIT.—The full
2 faith and credit of the United States is pledged
3 to the payment of all guarantees made under
4 this paragraph. Any such guarantee made by
5 the Secretary shall be conclusive evidence of the
6 eligibility of the obligations for such guarantee
7 with respect to principal and interest, and the
8 validity of any such guarantee so made shall be
9 incontestable in the hands of a holder of the
10 guaranteed obligations.

11 “(G) AMOUNT.—Subject only to the ab-
12 sence of qualified requests for guarantees and
13 to the availability of amounts to cover the costs
14 (as such term is defined in section 502 of the
15 Federal Credit Reform Act of 1990 (2 U.S.C.
16 661a)), as are provided in advance in appro-
17 priation Acts, the Secretary shall enter into
18 commitments to guarantee notes and obliga-
19 tions under this paragraph having an aggregate
20 principal amount of \$500,000,000 each for fis-
21 cal years 2021, 2022, and 2023.”.

22 (b) REQUIREMENTS FOR PROPERTIES WITH HOUS-
23 ING TAX CREDITS.—Section 9 of the United States Hous-
24 ing Act of 1937 (42 U.S.C. 1437g) is amended by adding
25 at the end the following new subsection:

1 “(p) REQUIREMENTS FOR PROPERTIES WITH HOUS-
2 ING TAX CREDITS.—A public housing agency that utilizes
3 tax credits under section 42 of the Internal Revenue Code
4 of 1986 for rental housing units that are currently or for-
5 merly assisted under subsection (d) or (e) of this section,
6 or under section 39 or 40 of this Act, shall ensure, with
7 respect to such units, that—

8 “(1) all significant tenant and applicants rights
9 are continued and enforceable ;

10 “(2) the agency retains its interest in the prop-
11 erty, including through the use of a ground lease;

12 “(3) the agency maintains an active role in
13 property management decisions and operations of
14 such housing sufficient to guarantee access to rel-
15 evant information and public accountability;

16 “(4) long-term affordability protections are en-
17 forced, including such protections applicable in the
18 event of default or foreclosure; and

19 “(5) affected tenants are provided information
20 about the proposal for use of the property, before
21 submission of the proposal to the Secretary, and an
22 opportunity to comment on such proposal, pursuant
23 to processes and requirements that are substantially
24 similar to the requirements for tenant notice and
25 comment under section 18, except that in the case

1 of rental housing units that are currently assisted
2 under section 39 or 40, the requirements of the pro-
3 gram under such section, as applicable, shall
4 apply.”.

5 **TITLE III—PILOT PROGRAM TO**
6 **TRAIN PUBLIC HOUSING**
7 **RESIDENTS TO PROVIDE**
8 **HOME-BASED HEALTH SERV-**
9 **ICES**

10 **SEC. 301. SHORT TITLE.**

11 This title may be cited as the “Together We Care
12 Act of 2021”.

13 **SEC. 302. PILOT GRANT PROGRAM TO TRAIN PUBLIC HOUS-**
14 **ING RESIDENTS TO PROVIDE COVERED**
15 **HOME-BASED HEALTH SERVICES.**

16 Section 34 of the United States Housing Act of 1937
17 (42 U.S.C. 1437z–6) is amended by adding at the end
18 the following new subsections:

19 “(f) **PILOT GRANT PROGRAM TO TRAIN PUBLIC**
20 **HOUSING RESIDENTS TO PROVIDE COVERED HOME-**
21 **BASED HEALTH SERVICES.—**

22 “(1) **ESTABLISHMENT OF PILOT GRANT PRO-**
23 **GRAM.—**The Secretary, in consultation with the Sec-
24 retary of Health and Human Services, shall estab-
25 lish a competitive grant program to make grants to

1 eligible entities under paragraph (2) for use for the
2 training of public housing residents as home health
3 aides and as providers of home-based health services
4 (including as personal and home care aides) to en-
5 able such residents to provide covered home-based
6 health services to—

7 “(A) residents of public housing who are
8 elderly or disabled, or both (including elderly
9 and disabled veterans who are residents of pub-
10 lic housing); and

11 “(B) subject to the criteria set forth pur-
12 suant to paragraph (3), residents of federally-
13 assisted rental housing who are elderly or dis-
14 abled, or both.

15 “(2) ELIGIBLE ENTITIES.—A grant under this
16 subsection may be made only to an entity that—

17 “(A) is a public housing agency or other
18 unit of State or local government (including an
19 agency of such unit), community health center,
20 home care provider organization, faith-based or-
21 ganization, labor organization, or other organi-
22 zation determined to be qualified by the Sec-
23 retary; and

24 “(B) demonstrates to the satisfaction of
25 the Secretary that it has established, or pro-

1 vides such assurances that it will establish, an
2 employment training program to train public
3 housing residents to provide covered home-
4 based health services that complies with regula-
5 tions that the Secretary shall issue.

6 “(3) RESIDENTS OF FEDERALLY-ASSISTED
7 RENTAL HOUSING.—The Secretary may set forth
8 criteria under which an entity receiving funding
9 under this subsection may train public housing resi-
10 dents to provide covered home-based health services
11 to elderly and disabled residents of federally-assisted
12 rental housing.

13 “(4) APPLICATION.—To be eligible for a grant
14 under this subsection an eligible entity under para-
15 graph (2) shall submit to the Secretary an applica-
16 tion at such time, in such manner, and containing
17 such information as the Secretary shall require.

18 “(5) COMPETITIVE GRANT AWARDS.—
19 “(A) GENERAL CRITERIA FOR SELEC-
20 TION.—The Secretary shall establish policies
21 and procedures for reviewing and approving
22 funding for eligible entities through a competi-
23 tive process taking into consideration—

24 “(i) with respect to the service area in
25 which public housing residents trained

1 under an employment training program de-
2 scribed in paragraph (2)(B) will provide
3 covered home-based health services—

4 “(I) the percentage of residents
5 age 62 and older;

6 “(II) the percentage of disabled
7 residents; and

8 “(III) the percentage of unem-
9 ployed or underemployed residents;

10 “(ii) the ability of an eligible entity to
11 provide training that leads to the provision
12 of quality care;

13 “(iii) the record of the quality of care
14 of an eligible entity; and

15 “(iv) such other criteria as determined
16 by the Secretary.

17 “(B) GEOGRAPHIC CONSIDERATION.—In
18 awarding grants, the Secretary shall consider a
19 geographic mix of a variety of eligible entities
20 so that the grant program will include at
21 least—

22 “(i) one employment training program
23 described in paragraph (2)(B) that pri-
24 marily serves an urban population;

1 “(ii) one employment training pro-
2 gram described in paragraph (2)(B) that
3 primarily serves a rural population;

4 “(iii) one employment training pro-
5 gram described in paragraph (2)(B) that
6 primarily serves an Indian population; and

7 “(iv) one employment training pro-
8 gram described in paragraph (2)(B) that
9 primarily serves a population in the Com-
10 monwealth of Puerto Rico, the United
11 States Virgin Islands, Guam, American
12 Samoa, or the Commonwealth of the
13 Northern Mariana Islands.

14 “(6) USE OF GRANT FUNDS.—An entity receiv-
15 ing funding under this subsection may use such
16 funds—

17 “(A) to establish (or maintain) and carry-
18 out an employment training program to train
19 public housing residents to provide covered
20 home-based health care services to elderly and
21 disabled public housing residents and elderly
22 and disabled residents of federally-assisted rent-
23 al housing;

1 “(B) for the transportation expenses of
2 public housing residents in training under such
3 an employment training program;

4 “(C) for the child care expenses of public
5 housing residents in training under such an em-
6 ployment training program;

7 “(D) for the administrative expenses of
8 carrying out such an employment training pro-
9 gram; and

10 “(E) for any other activity the Secretary
11 determines appropriate.

12 “(7) REPORT TO CONGRESS.—Not later than
13 24 months after the date of the enactment of the
14 Together We Care Act of 2021, the Secretary shall
15 submit to Congress a report on the use and impact
16 of the grant program established by this subsection.
17 The report shall include—

18 “(A) a review of the effectiveness of the
19 program in—

20 “(i) providing jobs for public housing
21 residents;

22 “(ii) meeting the unmet health and
23 long-term care needs of elderly and dis-
24 abled residents of public housing and elder-

1 ly and disabled residents of federally-as-
2 sisted rental housing; and

3 “(iii) enabling the provision of quality
4 care; and

5 “(B) any recommendations the Secretary
6 determines appropriate regarding the grant pro-
7 gram.

8 “(8) DEFINITIONS.—As used in this subsection,
9 subsection (g), and subsection (h):

10 “(A) HOME-BASED HEALTH SERVICES.—
11 The term ‘home-based health services’ means
12 health care and long-term services provided to
13 an individual in a place of residence used as
14 such individual’s home and includes—

15 “(i) home health services described in
16 section 1861(m) of the Social Security Act
17 (42 U.S.C. 1395x(m));

18 “(ii) personal care services described
19 in section 1905(a)(24) of such Act (42
20 U.S.C. 1396d(a)(24)); and

21 “(iii) home-based services which may
22 be covered under a waiver under subsection
23 (c) or (d) of section 1915 of such Act (42
24 U.S.C. 1396n).

1 “(B) HOME HEALTH AIDE.—The term
2 ‘home health aide’ has the meaning given the
3 term in section 1891(a)(3)(E) of the Social Se-
4 curity Act (42 U.S.C. 1395bbb(a)(3)(E)).

5 “(C) COVERED.—The term ‘covered’
6 means, with respect to home-based health serv-
7 ices, such services—

8 “(i) for which medical assistance is
9 available under a State plan under title
10 XIX of the Social Security Act; or

11 “(ii) for which financial assistance is
12 available under subsection (g).

13 “(D) FEDERALLY-ASSISTED RENTAL
14 HOUSING.—The term ‘federally-assisted rental
15 housing’ means—

16 “(i) housing assisted under section
17 202 of the Housing Act of 1959 (12
18 U.S.C. 1701q);

19 “(ii) housing assisted under section
20 515 of the Housing Act of 1949 (42
21 U.S.C. 1485);

22 “(iii) housing assisted under section 8
23 of the United States Housing Act of 1937
24 (42 U.S.C. 1437f) (including project-based
25 and tenant-based assistance);

1 “(iv) housing assisted under the block
2 grant program under the Native American
3 Housing Assistance and Self-Determina-
4 tion Act of 1996 (25 U.S.C. 4101 et seq.);

5 “(v) housing financed by a mortgage
6 insured under section 221(d)(3) of the Na-
7 tional Housing Act (12 U.S.C.
8 1715l(d)(3)) or held by the Secretary, a
9 State, or State agency; and

10 “(vi) housing assisted under section
11 811 of the Cranston-Gonzalez National Af-
12 fordable Housing Act (42 U.S.C. 8013).

13 “(9) INAPPLICABILITY OF PREVIOUS SUB-
14 SECTIONS.—Subsections (a) through (e) shall not
15 apply to this subsection, subsection (g), and sub-
16 section (h).

17 “(10) RULE OF CONSTRUCTION.—This sub-
18 section and subsection (g) may not be construed as
19 affecting any requirement under State law for train-
20 ing, licensure, or any other certification as a home
21 health aide or as a provider of any home-based
22 health service under this subsection and subsection
23 (g).

24 “(11) REGULATIONS.—Not later than 6 months
25 after the date of enactment of the Together We Care

1 Act of 2021, the Secretary shall issue regulations to
2 carry out this subsection.

3 “(12) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated \$2,500,000
5 for each of the fiscal years 2022, 2019, and 2020,
6 for grants under this subsection.

7 “(g) FINANCIAL ASSISTANCE FOR HOME-BASED
8 HEALTH SERVICES IN CERTAIN JURISDICTIONS.—

9 “(1) FINANCIAL ASSISTANCE.—The Secretary,
10 in consultation with the Secretary of Health and
11 Human Services, may provide financial assistance
12 under this subsection to entities receiving grant
13 funds under the pilot program established under
14 subsection (f) that provide training for public hous-
15 ing residents as home health aides and as providers
16 of home-based health services and provide (or pay
17 for) such services for use only for their costs in pro-
18 viding (or paying for) such services to—

19 “(A) residents of public housing who are
20 elderly or disabled, or both (including elderly or
21 disabled veterans who are residents of public
22 housing); or

23 “(B) at the discretion of the Secretary,
24 residents of federally-assisted rental housing
25 who are elderly or disabled, or both.

1 “(2) REQUIREMENTS.—

2 “(A) LOCATION.—Assistance under para-
3 graph (1) may be provided only for services fur-
4 nished in locations in which medical assistance
5 for home-based health services is not available
6 under a State plan under title XIX of the So-
7 cial Security Act.

8 “(B) TRAINED PUBLIC HOUSING RESI-
9 DENTS.—Assistance under paragraph (1) may
10 be used only for costs of services described in
11 paragraph (1) that are provided by public hous-
12 ing residents trained by an entity receiving
13 grant funds under the pilot program established
14 under subsection (f).

15 “(3) ELIGIBILITY.—To be eligible for financial
16 assistance under this subsection an entity shall—

17 “(A) provide such assurances as the Sec-
18 retary shall require that it will use the funds
19 only as provided in paragraphs (1) and (2);

20 “(B) submit to the Secretary an applica-
21 tion at such time, in such manner, and con-
22 taining such information as the Secretary re-
23 quires; and

1 “(C) comply with such other terms and
2 conditions as the Secretary shall establish to
3 carry out this subsection.

4 “(4) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated \$2,500,000
6 for each of the fiscal years 2022, 2023, and 2024,
7 for financial assistance under this subsection.

8 “(h) IMPACT OF INCOME ON ELIGIBILITY FOR HOUS-
9 ING BENEFITS.—For any resident of public housing who
10 is trained as a home health aide or as a provider of home-
11 based health services pursuant to the program under sub-
12 section (f), any income received by such resident for pro-
13 viding covered home-based health services shall apply to-
14 wards eligibility for benefits under Federal housing pro-
15 grams as follows:

16 “(1) No income received shall apply for the 12
17 months after the completion of the training of such
18 resident.

19 “(2) Twenty-five percent of income received
20 shall apply for the period that is 12 to 24 months
21 after the completion of the training of such resident.

22 “(3) Fifty percent of income received shall
23 apply for the period that is 24 to 36 months after
24 the completion of the training of such resident.

1 “(4) One hundred percent of income received
2 shall apply for any period that begins after 36
3 months after the completion of the training of such
4 resident.”.